



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 27, 1996

Mr. Ron M. Pigott
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR96-1538

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100276.

The Texas Department of Public Safety (the "department") received a request for a certain arrest report and for the addresses of certain department officers. While you raise no objection to the request for the officers' addresses,¹ you assert that the arrest report is excepted from required public disclosure based on section 552.103 of the Government Code.

Section 552.103(a) applies to information:

- (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and
- (2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991).

¹Section 552.117 of the Government Code excepts from required public disclosure the home address of a peace officer as defined by article 2.12 of the Code of Criminal Procedure or a security officer commissioned under section 51.212 of the Education Code.

You inform us that the Travis County Attorney's Office is handling the prosecution of the defendants for the offenses reported in the requested report. You state that Ms. Dawnita Wilson with the Travis County Attorney's Office has requested that the department not release the offense report. We conclude that you have made the requisite showing that the requested information relates to reasonably anticipated litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

We note that if the opposing parties in the anticipated litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). Section 552.103 does not except basic information on an offense report that was previously disclosed to the defendant in the criminal litigation. *See* Open Records Decision No. 597 (1991). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 100276

Enclosures: Submitted documents

cc: Mr. Myron C. Dagley
614 East Morton Street
Denison, Texas 75020
(w/o enclosures)